

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Randall Lashinski

Examiner: William H. Matthews

Serial No.: 10/634,653

Group Art Unit: 3774

Filing Date: August 5, 2003

Confirmation No. 6365

Title: ADJUSTABLE TRANSLUMINAL ANNULOPLASTY SYSTEM

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. §1.491.
- ☐ Before the mailing date of a first Office Action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement,
  - ☐ the Commissioner is hereby authorized to charge Deposit Account No. 50-1225, Docket No. \_\_\_\_\_, for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
  - ☐ the statement specified in 37 C.F.R. § 1.97(e) is provided below in accordance with 37 C.F.R. § 1.97(e)(1).

The undersigned certifies that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in a communication mailed from any foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

**II. Copies of the Cited Items:**

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed except:
- ☒ Copies of the U.S. references are not being submitted pursuant to 37 CFR 1.98(a)(2)(i).
- ☐ Copies of those items which are marked with an asterisk(\*) in the attached form PTO-1449 are not supplied because they were previously cited by or submitted to that Patent office in a prior application No. \_\_\_\_\_, filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120. See 37 C.F.R. § 1.98(d).

**III. Concise Explanation of Relevance:**

- ☐ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☒ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of the Written Opinion from a foreign patent office, issued in a counterpart application which refers to the relevant portions of the references (copy attached).

**IV. Conclusion:**

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or

**Docket No. PVI-5813CP2CP1CP1CON2**

3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks. The commissioner is hereby authorized to charge Deposit Account No. 50-1225, Docket No. PVI-5813CP2CP1CP1CON2 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Date: August 18, 2008

Respectfully submitted,

By: / David L. Hauser, Reg. No. 42,643/

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